

REMARKS/ARGUMENTS

Claims 2-14 and 17-20 now stand in the present application, claims 2-3, 9, 14, 17 and 18 having been amended, new claims 19 and 20 having been added, and claims 1 and 15 having been canceled. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has rejected claims 1-5, 7 and 14 under 35 U.S.C. § 102(b) as being anticipated by Miyazaki et al. ("Miyazaki"), has rejected claims 1-4 and 14 under 35 U.S.C. § 102(b) as being anticipated by Fujikura (Japanese Patent Abstract 05015026), has rejected claims 1-4, 14 and 15 under 35 U.S.C. § 102(b) as being anticipated by Born, and has rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Born in view of Griffioen et al. ("Griffioen"). In view of the above-described claim amendments, the Examiner's §§ 102 and 103 rejections of the claims are believed to have been overcome as will be described in greater detail below.

Applicants have replaced independent claims 1 and 15 with new independent claims 19 and 20. The new claims are identical to claims allowed in the corresponding European case. The allowed European claims had been amended to overcome the citation of Japanese Patent 5015026 (Fujikura) and Japanese Patent 2001258115. The newly added claims are believed to patentably define over the present cited references taken singly or in combination, as will be explained below.

The Examiner asserts that the Miyazaki "path-finding element is capable of negotiating a path through an obstruction in the duct." See, page 3 of the Office Action. Applicants respectfully disagree. The rigid tube (1) in Miyazaki might be thought to be the equivalent of the sub-duct to be inserted into the pipe (c). As is clearly shown in the

drawings, the plug (2) has a rounded end including bores (2a). Its purpose, when fitted to the end of tube (1), is to enable steam entering the tube (1) to be discharged.

The Miyazaki plug is thus not a "path-finding element" since it is not "arranged to negotiate a path around or through the obstacle [in the duct] whereby the sub-duct is inserted into the duct over the jammed cable" as required by claim 19. It is the functional element (20) of the present application which is arranged to obtain a path through a crowded duct (see 20A, 20B, 20C, 20D in the drawings), to enable the insertion of the sub-duct over the jammed cable. There is simply no obstruction in the pipe (c) of Miyazaki. Miyazaki's tube (1) thus does not need the plug (2) to clear a way for it. In any event the tube, being rigid (see Miyazaki at column 4, line 66), is capable of finding its own way into the pipe: plug (2) does nothing for tube (c) in this regard.

The "travelling device" (3) of Fujikura document similarly travels through a channel which is free from obstruction. Moreover, similarly to Miyazaki, the "heads" in these cited references cases are not arranged for path-finding and obstacle-clearance. In any event, there is no disclosure in Fujikura that the head is "arranged to negotiate a path around or through the obstacle, whereby the sub-duct is inserted into the duct over the jammed cable," as required by claim 19.

In Born, the obstruction (24) identified by the Examiner is one which restricts water flow in a sewer. See, Born at column 4, lines 4-22. It is not an obstruction to the insertion of the sub-duct into the duct over the jammed cable, as required by the present claims. Thus, there is no aspect of "path finding" in the nozzle (18) (which is deemed to be equivalent to the path-finding element of the present application). To emphasize this distinction over Born, as noted above, Applicants have added new independent claims

19 and 20 wherein the sub-duct is inserted into the duct over the jammed cable. This is clearly not the case in Born where the purpose of the device is not removal of the obstruction to enable insertion of the push wand (14) into the sewer, but rather simply removal of the obstruction to clean the sewer.

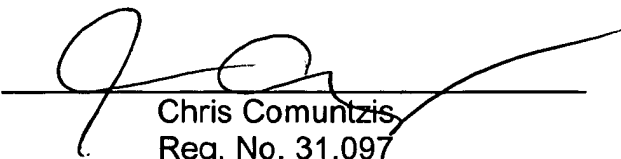
With respect to the Examiner's rejections of claims 17 and 18 over 35 U.S.C. §§ 112 and 103, it is respectfully submitted that the above-described newly added independent claims 19 and 20 overcome these rejections.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 2-14, 17-20, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Chris Comuntzis
Reg. No. 31,097

CC:lmr
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100